

REMARKS

Applicant recognizes with appreciation that Examiner indicates that Claims 8 – 10 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

In this Amendment, Applicant has amended Claims 1 – 13 and added new Claim 14. Claims 1, 6 – 7 and 13 have been amended to specify different embodiments of the present invention and overcome the rejection. Claims 2 – 5 and 8 – 12 have been amended to proper dependent form. Claim 4 has also been amended to correct certain informality by deleting “preferably.” Claim 14 has been added to define the feature deleted from Claim 4. It is respectfully submitted that no new matter has been introduced by the amended and added claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAPGRAPH:

Claim 13 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that the rejections have been overcome by this amendment. Claim 13 has been amended to clarify that a third passageway connects the main passageway and the secondary passageway. Thus, the definition is clear.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 7, 11 and 13 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Tran (US 6,868,865), hereinafter Tran.

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference. Especially, Applicant respectfully submits that Claim 1 has been amended to include the feature that “the secondary passageway does not face either the inlet or the outlet when the ball element is in the fully open position, the secondary passageway being formed by a plurality of packed discs received in a seat in said ball element, the discs being provided with a plurality of holes defining segments of said secondary passageway.” Claims 2 – 7, 11 and 13 also include these features due to their dependency on Claim 1.

Applicant respectfully submits that, according to Tran, the bored discs forming the secondary passageway face the valve inlet when the ball is in the fully open position. In that condition, the secondary passageways are positioned between the inlet and the outlet of the valve, thereby particularly obstructing the fluid flow.

This represents a considerable drawback, because the flow capacity of the valve is significantly reduced, the valve dimension being constant. Moreover, gas turbulence can occur within the valve due to the presence of regulation discs in the middle portion of the fluid flow. Furthermore, cleaning of the conducts is hindered, as the cleaning tools cannot be easily inserted through the valve even in the fully open position. These drawbacks have been discussed in the prior art description section of the specification of the present application as filed.

On the contrary, it is respectfully submitted that, according to the present invention, the secondary passageway does not obstruct the fluid flow in the fully open position of the valve. The secondary passageway is positioned outside of the zone between the valve inlet and valve outlet, without facing either the inlet or the outlet. In

this way, the fluid flow is not hindered when not desired and pressure drop is minimized in the fully open position. Moreover, cleaning of conduits is made easier and any gas turbulence is avoided.

Applicant respectfully submits that employing a plurality of packed discs for forming the secondary passageway according to the embodiments of the present invention is considerably advantageous in that it allows the valve to obtain a wide range of pressure drop regulations and to select desired pressure drop by changing the number or the arrangement of the discs. None of the cited reference shows this arrangement.

Therefore, the newly presented claims are not anticipated by Tran and the rejection under 35 U.S.C. § 102 (b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (b) is respectfully requested.

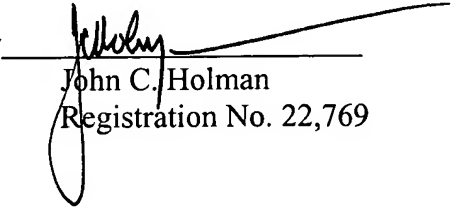
Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: November 21, 2005
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P69600US0

By


John C. Holman
Registration No. 22,769